

Table 12: Adoption of Alternative Dispute Resolution

The Court Does Not Have and Will Not Adopt or Encourage ADR

The Court Encourages ADR But Does Not Have Court-Annexed Programs

The Court Provides One or More Court-Annexed Programs

Other—Are there other relevant provisions?

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M.D. Ala.	IA	IA	Early neutral evaluation and mediation	
N.D. Ala.	IA	IA	Each judge will conduct an ADR evaluation conference during the early stages of case development to determine suitability for ADR. The court may order use of either the mediation track or the mediation/arbitration track. Parties may choose one of the tracks by agreement. Parties may also elect to use other ADR procedures under the open ADR track.	
S.D. Ala.	IA	IA	IA	The court will examine ADR programs and consider whether or not any should be adopted.
D. Alaska	IA	IA	IA	The court will support the bar in implementing an early neutral evaluation program that will demonstrably divert cases from a normal judicial track. The court said it was not able to undertake such a program at present. The district needs an additional district judge and the

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				increased magistrate judge position in Anchorage before it can encourage magistrate judge trials or provide other forms of ADR.
D. Ariz.	IA	IA	Arbitration	Mediation will be implemented on 7/94 and early neutral evaluation will be implemented on 7/95.
E.D. Ark.	IA	Yes	IA	
W.D. Ark.	The court accepts the Advisory Group recommendation that ADR not be established in this district.	CR	CR	The court will prepare a pamphlet describing ADR in the state of Arkansas and in adjoining districts.
C.D. Cal.	IA	IA	IA	Parties may choose a private ADR provider to conduct the mandatory settlement conference. Loc. R. 23.5.4
E.D. Cal.	IA	IA	The court encourages use of ADR and provides a court-annexed early neutral evaluation program. (This program was adopted after the effective date of the CJRA Plan.) General Order 293 (11/12/92)	The court will establish an ADR advisory panel to evaluate early neutral evaluation, court-annexed arbitration, and other ADR programs that may be authorized by the court. (The court has since adopted a court-annexed early neutral evaluation program.) General Order 293 (11/12/92)
N.D. Cal.	IA	IA	The court provides early neutral evaluation, nonbinding arbitration, judicially hosted settlement conferences, nonbinding summary jury trials and summary bench trials, special masters, trial by magistrate judge, and mediation. General Order 26 (5/11/85; Revised 7/22/86, 8/12/88, 1/1/90, 7/1/93) General Order 36 (7/1/93; Revised 1/18/94) General Order 37 (7/1/93) Loc. R. 500	The court wants to coordinate among judges, court staff, and the Advisory Group to ensure the smooth integration of ADR programs into judges' case management strategies. The court conducted an empirical analysis of the early neutral evaluation program in order to refine and improve the program.

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S.D. Cal.	IA	IA	Mediation, early neutral evaluation, minitrial, summary jury trial, and arbitration	
D. Colo.	IA	Yes Loc. R. 53.2	IA	
D. Conn.	IA	IA	Cases may be referred to voluntary, privately provided ADR when deemed appropriate by the parties and the court. Loc. R. 28 (1985)	
D. Del.	IA	Yes	IA	
D.D.C.	IA	IA	The court will provide a special master, a qualified volunteer, a staff mediator, or a magistrate judge in appropriate cases. The parties have the option of using a person agreed upon and paid for by the parties. If the parties cannot agree, the court will select a qualified volunteer mediator.	The court will require all attorneys to certify that they are familiar with the available ADR processes. Loc. R. 206(d) (3/1/94)
M.D. Fla.	IA	IA	Mandatory arbitration and mediated settlement conferences	
N.D. Fla.	IA	IA	Mediation	The court declined to adopt early neutral evaluation, citing the difficulty of finding and maintaining a pool of trained evaluators and the additional administrative overhead such a program would require.
S.D. Fla.	IA	IA	The district approved the adoption of a mediation program and appointed a mediation committee to deliver by 4/1/92 a recommended plan for implementing a mediation program. Loc. R. 16.2 (2/15/93)	Nothing contained in the ADR Programs Chapter of the CJRA Plan will limit or otherwise discourage an individual judge's use of any type of ADR procedure currently permitted by law.

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M.D. Ga.	IA	IA	If funding continues, the court will continue its pilot program of voluntary court-annexed arbitration. Loc. R. 11 (8/91; Revised 6/93)	The court will develop expertise and procedures to help its judges identify, recommend, and help facilitate various dispute resolution alternatives, including nonbinding early neutral evaluation.
N.D. Ga.	IA	IA	The court will establish a mandatory court-annexed arbitration program and a special masters program. In light of the opinion by the general counsel of the Administrative Office that the CJRA of 1990 limited court-annexed arbitration to the 20 districts authorized by earlier legislation, the court will request that the Judicial Conference obtain statutory authority for this arbitration program if the Judicial Conference determines that such authority is necessary.	The court agrees with the Advisory Group's recommendation that the court become accustomed to a more familiar adjudicatory ADR program, such as arbitration, before adopting a less familiar negotiative procedure such as mediation or early neutral evaluation.
S.D. Ga.	IA	ADR options must be presented to and signed by each party at the beginning of the case via the court's Litigant's Bill of Rights. Loc. R. 8 (6/94); Renumbered Loc. R. 3.3	IA	The court agreed with the Advisory Group's recommendation that a mandatory program of ADR not be instituted in this district at the present time.
D. Guam	IA	IA	IA	It was the finding of the Advisory Group that ADR is impractical in this district at this time. The Advisory Group will continue to explore ADR options.
D. Haw.	IA	Yes	IA	The Advisory Group will study arbitration.
D. Idaho	IA	IA	Settlement weeks, voluntary arbitration, and early neutral evaluation	
C.D. Ill.	IA	IA	Appropriate cases are referred, usually to a magistrate judge, for a settlement conference or a summary trial. The court rejects the Advisory Group's recommendations	

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			concerning the expansion of ADR programs. However, based on the Advisory Group's attorney survey, the results of which indicated that more emphasis should be placed on settlement, the court will explore ways to encourage the use of settlement conferences in more cases. Loc. R. 2.11 (1/92; Revised 1/94)	
N.D. Ill.	IA	The court encourages the use of ADR in appropriate circumstances. On the advice of the Advisory Group, the court will await the analysis of the experience of those courts that are experimenting with ADR under the CJRA.	IA	
S.D. Ill.	IA	IA	Mediation, arbitration, summary jury trial minitrial	The possibility of voluntary ADR is discussed at the initial pretrial and scheduling conference. The Advisory Group and the court rejected the concept of mandatory neutral evaluation programs.
N.D. Ind.	IA	IA	Early neutral evaluation, minitrials, summary jury trials, and settlement conferences	The court will review the pilot districts' experiences with minitrials and summary jury trials over the next 3 years. The judicial officers participating in the expanded early neutral evaluation program will report their experiences to the court and the Advisory Group by 1/1/93.
S.D. Ind.	IA	IA	Early neutral evaluation, mediation, arbitration, minihearings, and summary jury trials	
N.D. Iowa	IA	IA	IA	The court rejected the Advisory Group's recommendation that a mandatory, nonbinding arbitration program be adopted, for the reason that the current legislation limits the authorized districts to the 10 that currently have it.

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S.D. Iowa	IA	IA	The court already uses settlement conferences and summary jury trials. In appropriate cases, magistrate judges recommend outside mediation.	Full-time magistrate judges are encouraged to pursue further study and training in ADR techniques. The magistrate judges will continue to implement and evaluate a pilot project for expediting prisoner litigation. The court rejects the recommendation that a neutral evaluation program be implemented.
D. Kan.	IA	IA	IA	
E.D. Ky.	IA	IA	Local rule permits a judicial officer to set any civil case for summary jury trial or other alternative method of dispute resolution. The court intends to adopt and implement a court-annexed mediation program. Loc. R. 23	
W.D. Ky.	IA	Yes	IA	One district judge has begun to use mediation as a method of ADR. The court will consider these efforts as a pilot program. A neutral evaluation program will be incorporated into this pilot program. Loc. R. 23
E.D. La.	IA	IA	IA	If the presiding judicial officer determines at any time that the case will benefit from ADR, the judicial officer may: 1. refer the case to private mediation if the parties consent; 2. order nonbinding minitrial or nonbinding summary jury trial before a judicial officer with or without the parties' consent; or 3. employ other ADR programs be designated for use in this district. The court has appointed a CJRA Study Group to examine whether, and if so how, a court-annexed ADR program should be established in the district.

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M.D. La.	Yes	IA	IA	The Advisory Group will study the issue of ADR.
W.D. La.	IA	The court will not establish formal procedures for arbitration or mediation. However, a list of resources that provide both arbitration and mediation will be maintained at a designated location. The list will be available to litigants upon request.	IA	
D. Me.	IA	IA	The court will make available mediation, minitrial, and summary jury trial.	The court did not adopt an early neutral evaluation program because the volume of cases does not justify it. However, if the state court system is interested in such a program, the court will seek a mutual involvement.
D. Md.	IA	Yes	IA	The court will make available mediation and minitrials upon request of the parties.
D. Mass.	IA	IA	Minitrials and summary jury trials	The court may refer appropriate cases to ADR programs that have been designated for use in the district court or that the judicial officer may make available.
E.D. Mich.	IA	Loc. R. 16.4 (10/92) Parties may, by stipulation, request that the case be referred to ADR, with the understanding that the parties will bear total financial responsibility for all arrangements beyond the entry of orders by the court. The ADR alternatives approved by the court include: 1. early neutral evaluation; 2. mediation; 3. special mediation panels; 4. binding arbitration; and 5. summary jury trial. In addition, all judges will be available to conduct settlement conferences. Loc. R. 53.1	Loc. R. 16.4 (10/92) IA	Loc. R. 16.4 (10/92) The court rejected an Advisory Group recommendation that the proposed ADR policy include a provision that a settlement conference be held in each case substantially in advance of the final pretrial conference.

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W.D. Mich.	IA	IA	Yes Loc. R. 41 Loc. R. 42 (Mediation) (4/83; Revised 8/91, 6/92) Loc. R. 43 (Court-annexed Arbitration) (6/85; Revised 8/91) Loc. R. 44 (Summary Jury Trials, Minihearings and early neutral evaluation) (4/83) Loc. R. 45 (Settlement Conferences) (4/83)	
D. Minn.	IA	Yes	IA	The court will seek to experiment with various ADR proposals when they appear to have merit.
N.D. Miss.	IA	Yes	IA	The clerk will maintain and make available to counsel a list of all arbitration, mediation, or other ADR agencies, and other resources.
S.D. Miss.	IA	Yes	IA	The clerk will maintain and make available to counsel a list of all arbitration, mediation, or other ADR agencies, and other resources.
E.D. Mo.	IA	IA	Early neutral evaluation and mediation	
W.D. Mo.	IA	IA	The court will implement an experimental early assessment program beginning 1/1/92 and extending through 12/31/94. The program will be evaluated at the end of this period.	
D. Mont.	IA	IA	IA	The court will maintain a list of court-approved mediation masters.
D. Neb.	IA	IA	Mediation	
D. Nev.	IA	Yes	IA	A special committee is examining arbitration and other issues concerning the administration of ADR.

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D.N.H.	IA	Yes	IA	ADR should be voluntary and will be determined by the judge and parties on a case-by-case basis. Litigants may choose from neutral case evaluation, mediation, binding and nonbinding arbitration, summary jury trial, and minitrial. Summary jury trials and minitrials may be scheduled before the magistrate judge if the magistrate judge's schedule permits, but should be limited to cases where an actual trial would be unusually expensive.
D.N.J.	IA	IA	Court-annexed arbitration and court-annexed mediation Gen. R. 47 (3/85) Gen. R. 49 (1/93)	The parties may agree to any form of ADR, including voluntary mediation if the judicial officer agrees. The district judge may administratively terminate actions pending the completion of the ADR procedures. Gen. R. 47C.2 (12/91) Appendix M, Guidelines for Arbitration (12/91)
D.N.M.	IA	Arbitration, mediation, conciliation, minitrials, summary jury trials, and settlement conferences are recommended for use by district judges.	IA	
E.D.N.Y.	IA	IA	Court-annexed arbitration, early neutral evaluation (for cases filed on or after 6/30/92, using a panel of court-appointed expert attorneys, on an experimental basis), magistrate judge trials, settlement conferences, special masters, and court-annexed mediation (for cases filed on or after 6/30/92, on an experimental basis)	

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N.D.N.Y.	IA	IA	The existing voluntary, court-annexed arbitration program will be preserved until an expanded ADR program is designed and recommended. Loc. R. 83.7	An ADR subcommittee of the Advisory Group has been formed to design and expand ADR programs in the district.
S.D.N.Y.	IA	IA	The court established a mandatory, court-annexed mediation program for all expedited cases and a sample of most other civil cases. In standard and complex cases, a voluntary court-annexed arbitration program, as well as other voluntary ADR programs, will be discussed, considered, and suggested as appropriate at the case management conference.	The Advisory Group will monitor ADR programs in this district and assess their effectiveness.
W.D.N.Y.	IA	IA	Voluntary arbitration Loc. R. 47	Each judicial officer will encourage the use of the court's arbitration program. To complement the voluntary arbitration program, the court will establish additional court-annexed ADR programs. Loc. R. 47
E.D.N.C.	IA	IA	Yes Loc. R. 30.00–32.00	
M.D.N.C.	IA	IA	Mediation Loc. R. 601	Rules for mediation are similar to those used in the North Carolina state courts. The court is discontinuing its court-annexed arbitration program.
W.D.N.C.	IA	Yes	IA	
D.N.D.	IA	Yes	IA	
D. N. Mar. I.	IA	IA	IA	Any civil case triable to a jury may be assigned for summary jury trial.

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N.D. Ohio	IA	IA	Voluntary arbitration, early neutral evaluation, mediation, and summary jury or summary bench trial Loc. R. 7:1.1 (1/1/92)	
S.D. Ohio	IA	IA	The court will continue its commitment to ADR and the flexible approach reflected in Loc. R. 53.1. Furthermore, the western division of the court will implement, as staffing and funding allow, a formalized ADR program, such as settlement week mediation. Loc. R. 53.1 (10/91)	The court will not adopt an early neutral evaluation program, but the judge assigned to a case identified as complex may consider using early neutral evaluation.
E.D. Okla.	IA	IA	Summary jury trial	
N.D. Okla.	IA	IA	The court provides an Adjunct Settlement Judge Program.	The court will establish a permanent ADR Advisory Committee to assist the court with ADR initiatives. The court will continue to experiment with other ADR methods.
W.D. Okla.	IA	IA	Court-annexed mediation and court-annexed mandatory arbitration Loc. R. 17(J) (2/7/83; Revised 7/15/85, 12/31/91) Loc. R. 43 (10/12/84; Revised 1/14/85, 3/26/85, 7/15/85, 11/1/89) Loc. R. 46 (12/31/91) Miscellaneous Order 22, Standing Order Regarding Mediators (1/31/92)	A summary jury trial may be ordered by the court when justified by circumstances. Loc. R. 17(J) Loc. R. 44 (10/12/84)
D. Or.	IA	IA	Throughout the pretrial process, the judge should apprise counsel of ADR options, including a settlement judge, use of the court's voluntary mediation program, and the availability of other local mediation or settlement services.	
E.D. Pa.	IA	IA	Court-annexed arbitration and mediation Loc. R. 8 Loc. R. 15	

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M.D. Pa.	IA	IA	The court will adopt an array of alternatives to trial that will include: 1. summary jury trials; 2. a settlement officer program; and 3. mediation. Each district judge will encourage the use of ADR.	The court directs the Advisory Group to continue to review arbitration as part of an annual assessment of the civil and criminal dockets.
W.D. Pa.	IA	IA	The court is pleased with the success of the voluntary arbitration program and envisions expanding the availability and use of ADR. Loc. R. 16.2 (10/93)	
D.P.R.	IA	IA	Early neutral evaluation	
D.R.I.	IA	IA	Mandatory settlement conferences, early neutral evaluation, mediation, arbitration, and summary jury or bench trials	
D.S.C.	IA	IA	Mediation, summary jury trials, early neutral evaluation, and mandatory judicial settlement conferences	
D.S.D.	IA	Yes	IA	The court will monitor a list of ADR programs available in the community; a copy will be sent to counsel by the clerk's office upon inquiry or request. The court will monitor the experience of other districts with court-annexed programs.
E.D. Tenn.	IA	IA	IA	The court may, at the discretion of the judge, refer any civil case for a settlement conference or any other method of ADR deemed appropriate to the needs of the case. Loc. R. 16.3
M.D. Tenn.	IA	Yes Loc. R. 20(a) (3/94) Loc. R. 20(d) (3/94)	IA	The court designated a permanent ADR committee.

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W.D. Tenn.	IA	IA	IA	The court policy will be to make an early effort to settle the case through some means. If this effort is unsuccessful, the court will make an effort at a later time. The court requests that the Advisory Group conduct a study of other ADR techniques such as arbitration.
E.D. Tex.	IA	IA	If the judicial officer determines that a case would probably benefit from ADR, the judicial officer may refer the case to court-annexed mediation or other ADR methods designated for use in the district.	The court considered but rejected early neutral evaluation.
N.D. Tex.	IA	The court endorses ADR as effective in bringing about settlement or the narrowing of issues in civil actions.	IA	The clerk will tabulate, analyze and report annually on the disposition of ADR proceedings.
S.D. Tex.	IA	IA	The court recognizes mediation, minitrials, summary jury trials, and arbitration. The court may approve any other ADR method the parties suggest or the court believes is suited to the litigation. The court is currently referring individual cases to arbitration and special masters. Loc. R. 20 (1/92, Revised 2/94)	
W.D. Tex.	IA	IA	Nonbinding arbitration, early neutral evaluation, mediation, minitrials, and moderated settlement conferences Loc. R. CV-88 (1/94)	The parties in every case will be required to consider ADR. In appropriate cases, the court may require participation in ADR. Loc. R. CV-87 (1/94)
D. Utah	IA	IA	The court will experiment with mediation, arbitration, minitrials, and summary jury trials for a limited time period, to determine whether there demand for these services. (Since adoption of the CJRA Plan, the court has approved Loc. R. 212 (3/93) which provides for court-annexed arbitration and mediation.)	

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D. Vt.	IA	IA	Early neutral evaluation	
D.V.I.	IA	IA	The court adopted a court-annexed mediation program. Loc. R. 3.2	
E.D. Va.	The court considered a number of ADR methods and rejected them because: 1. there is no persuasive evidence that they reduce costs, improve disposition rates, or improve the quality of justice; 2. ADR methods have no impact on the time spent in discovery, which is the principal source of cost and delay; and 3. the availability of a firm and early trial date before an Article III judge has eliminated the need for an alternative adjudicatory process in this district.	IA	IA	
W.D. Va.	IA	IA	Minitrials have been used with some degree of success in this district. This technique will be continued where litigants are agreeable to it.	The Advisory Group has recommended further study of ADR techniques. No further methods will be adopted by the court until it has received a report and recommendations from the Advisory Group.
E.D. Wash.	IA	In appropriate cases, the court will encourage experimentation with the use of early neutral evaluation and minitrials as promising ADR mechanisms. Loc. R. 39.1	IA	
W.D. Wash.	IA	IA	The local rules already provide mediation, voluntary arbitration, settlement judges, and summary jury trials. The court will add summary bench trials through a change in local rules.	The court considered but rejected early neutral evaluation at this time.

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N.D. W. Va.	IA	IA	The court schedules settlement week conferences at regular intervals. A case will be exempted from a settlement week conference if the parties, with the consent of the court, have agreed to some other form of ADR. Loc. R. 4.01	
S.D. W. Va.	IA	IA	The court will establish a mediation program. The court anticipates that the program will be implemented by April 1992. Loc. R. 5.01	
E.D. Wis.	IA	Yes Loc. R. 7.12 (1/1/92)	IA	
W.D. Wis.	IA	IA	Mediation and early neutral evaluation	
D. Wyo.	IA	IA	IA	The Local Rules Standing Committee will amend the local rules to provide: procedures that permit the court to mandate ADR in appropriate cases, consideration by the court to use other ADR techniques on an ad hoc basis when they are deemed appropriate, assignment of settlement conferences to retired judges or other counsel on the court's approval, and procedures that require the parties to consider early settlement discussion and report the results of such discussion at the initial pretrial conference. The court does not feel that an early neutral evaluation program is necessary.